

**EXHIBIT**

**3**

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DEBORAH RASBY and DOUGLAS  
RASBY, husband and wife,**

**Plaintiff,**

**vs.**

**JAMES D. PILLEN, an individual,**

**Defendant.**

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**CASE NO: 8:15-cv-226**

**PLAINTIFF'S INITIAL DISCLOSURES**

Plaintiff, Deborah Rasby, pursuant to Fed. R. Civ. P. 26(a)(1), makes the following initial disclosures to the Defendant.

**A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:**

**1. Deborah Rasby  
(may be contacted through counsel)**

Ms. Rasby has knowledge of all aspects of the Amended Complaint including, but not limited to, knowledge of the organization of the businesses, her involvement and ownership interest, the discussions with Mr. Pillen at all times leading up to the transaction, her tax obligations through the ownership interest in the entities, the she was distributions owed, the duress and pressure applied by Mr. Pillen, and the damages she has suffered.

**2. James Pillen  
(Defendant)**

Mr. Pillen's knowledge includes but is not limited to the pressure placed on Ms. Rasby before she was forced to sell her shares to Mr. Pillen, the fact that he cut off distributions to Ms. Rasby, knowledge of her tax obligations, knowledge of his various entities he did not provide Ms. Rasby with an opportunity to invest in, knowledge of the personal expenditures he made from PST.

**3. Paul Smith  
IT Specialist  
Columbus, NE  
[prnsmith@hotmail.com](mailto:prnsmith@hotmail.com)**

4. **Jennifer Delaney**  
**IT Specialist**  
**Omaha, NE**  
**(possibly employed at Mutual of Omaha)**

Witnesses 4 and 5 are former employees of some of the Pillen entities, who may have knowledge regarding data input and control practices, the manner in which records were maintained, and other information regarding financial and operational data.

5. **Dan O'Connor**  
**Columbus, NE**  
**402-564-8231**

Dan O'Connor is a partner in N. Nance/N. Plains and Double D. As such he should have information regarding the operational and financial status and practices of those entities. O'Connor may also have information regarding the compensation Jim Pillen pays himself and other employees and information regarding transactions with other partners or former partners.

6. **John Meyer**  
**Kansas City Area**

John Meyer was previous employed by Premium Standard Farms, and should have information regarding the operation of that entity and the way in which that entity interacts with other Pillen businesses.

7. **Rick Schumacher**  
**CPA with KSSB CPA firm**  
**Columbus, NE**

Rick Schumacher may have information regarding the financial status of Pillen business entities and their accounting practices and data.

8. **Steve Weiss**  
**CPA**  
**Nutriquest**  
**Mason City, IA**  
**641-420-1002 (not certain of phone)**

Steve Weiss may have information regarding the financial status of Pillen business entities and their accounting practices and data.

9. **Cindy Gottsch**  
**Hastings, NE**

Cindy Gottsch is the widow of a former partner of Jim Pillen. Cindy sold her interests in the business to Pillen after her husband died and may have information regarding the value of and negotiations for the sale of her husband's interests in the entity.

**10. Susan Morrison  
Hastings, NE and/or  
Scottsdale, AZ or Palm Springs, CA**

Susan Morrison is the daughter of a former partner of Jim Pillen. Susan was involved in the sale of her father's business interests to Pillen and may have information regarding the value of and negotiations for the sale of her father's interests in the entity.

**11. Susanne Boswell  
Columbus, NE**

Susanne Boswell is a former employee in the accounts payable department for one or more Pillen entities and will have information regarding general practices for financial record keeping for the company and may have information regarding some specific transactions.

**12. Cara Barnett  
Comptroller  
Pillen Family Farms  
Columbus, NE**

Cara Barnett will have information regarding the financial status and data of all the Pillen entities. She may also have information regarding specific transactions. She should also have information regarding transactions among various related business entities.

**13. Jeff Sieck  
CFO DNA Genetics (formerly Danbred)  
2415 13th Street  
Columbus, NE 68601**

Jeff Sieck should have information regarding the finances and organization of DNA Genetics and its business transactions with other Pillen entities.

**14. Brett Bonwell  
CEO DNA Genetics (formerly Danbred)  
2415 13th Street  
Columbus, NE 68601**

Brett Bonwell should have information regarding the organization and business of DNA Genetics, its financial and business base and operations, and business transactions with other Pillen entities. Bonwell should also have information regarding the operational structure of DNA Genetics. Bonwell is also a partner in Double D and PST Milling and would have information regarding the finances, data, and operations of those entities.

**15. Miki Naylor  
Pillen Family Farms  
Columbus, NE**

Miki Naylor is an employee of Pillen Family farms and will have information regarding its operations.

**16. Lisa Kyes  
accounts payable  
Pillen Family Farms  
Columbus, NE**

Lisa Kyes is employed in the accounts payable department at Pillen Family Farms, and may have information regarding expenditures made by Pillen Family Farms, including other Pillen businesses and the regular expenses of operating the business and how the accounts payable information is maintained.

**17. Clete Pillen  
Pillen Family Farms  
Columbus, NE**

Clete Pillen, as a family member and employee, will have information regarding the finances and business operations of Pillen Family Farms and the responsibilities assigned to each member of the executive or management staff, including who has authority for what decisions and the general business and operating procedures of Pillen Family Farms and its predecessor entities.

**18. Brock Pillen  
Pillen Family Farms  
Columbus, NE**

Brock Pillen, as a family member and employee, will have information regarding the finances and business operations of Pillen Family Farms and the responsibilities assigned to each member of the executive or management staff, including who has authority for what decisions and the general business and operating procedures of Pillen Family Farms and its predecessor entities.

**19. Sarah Pillen  
Pillen Family Farms  
Columbus, NE**

Sarah Pillen, as a family member and employee, will have information regarding the finances and business operations of Pillen Family Farms and the responsibilities assigned to each member of the executive or management staff, including who has authority for what decisions and the general business and operating procedures of Pillen Family Farms and its predecessor entities.

**20. Les Griess, D.V.M.**

Les Griess, as a former veterinarian for PST Vet Services, will have knowledge regarding the practices of PST Vet Services, the relationship between that entity and other Pillen entities, and the finances and organizational and operational matters of PST Vet Services.

**21. Jeff Luebbe, D.V.M.**

Jeff Luebbe, as a former veterinarian for PST Vet Services, will have knowledge regarding the practices of PST Vet Services, the relationship between that entity and other Pillen entities, and the finances and organizational and operational matters of PST Vet Services.

**22. Andy Jakubowski  
Pillen Family Farms  
Columbus, NE**

Andy Jakubowski, as an employee of Pillen Family Farms, will have information regarding his functions as an employee, the business finances and operations within his scope of employment, and the relationship among other Pillen entities with which he has dealings.

**22. Stacey Cole  
First National Bank  
Omaha, NE**

Stacey Cole may have information regarding the financial status and business viability of the Northern Nance/Northern Plains and Double D business, including their financial reporting, budgets/projections, and business leadership.

**23. Tom Jensen  
First National Bank  
Omaha, NE  
800-228-4111**

Tom Jensen may have information regarding the financial status and business viability of the Northern Nance/Northern Plains and Double D business, including their financial reporting, budgets/projections, and business leadership.

**24. Rich Chohon**

Rich Chohon, formerly with Pinnacle Bank, may have information regarding the financial status and business viability of PST, PST Milling, and PST Gene Center, including their financial reporting, budgets/projections, and business leadership.

**25. Dave Luth  
402-564-0407**

Dave Luth was the accountant for Gottsch Enterprises who may have assisted Cindy Gottsch is liquidating her husband's interest in the Pillen entities and may have knowledge

regarding the value of the companies at the time and Pillen's methods of valuating holdings of individuals who were terminating their affiliation with the entity.

**26. Brenda Jazwick  
PST Vet Services  
Columbus, NE**

Brenda Jazwick, as an employee of PST Vet Services, will have information regarding her functions as an employee, the business finances and operations within her scope of employment, and the relationship among other Pillen entities with which she has dealings.

**27. Tom Barber  
Tyson Fresh Meats  
Dakota Dunes, SD  
605-235-2061 X3617**

Tom Barber oversees the cash flow assistance program ("CFA") for companies dealing with Tyson.

**28. Melody Beck  
Tyson Fresh Meats  
Quality Assurance  
Madison, NE  
402-454-3361 X4251**

Melody Beck may have information regarding the quality and quantity of produce purchased by Tyson.

**B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:**

See documents served on this date, identified as Docs. DR 000001.1 through 001041.1. Certain balance sheets which are included on the disk with the Bates numbered documents were write-protected and are not numbered.

**C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:**

Ms. Rasby's damages are from three distinct categories:

First, Ms. Rasby has suffered damages in the form of the difference between the actual value of her shares on or about June 29, 2012, and the amount Mr. Pillen paid for her interest. Based on information that is presently available, Ms. Rasby's shares were worth not less than \$5,346,226.00 plus an additional \$350,000.00 loan to Northern Nance, LLC. Pillen paid \$2,000,000.00 plus the repayment of the loan. Ms. Rasby's damages for this category are not less than \$3,346,226.00. This number is subject to change as additional information becomes available and additional expert reports are presented. The supporting documentation has been provided.

Second, Ms. Rasby has been damaged by Mr. Pillen's failure to provide Ms. Rasby with an opportunity to acquire interest in the entities listed in Count Three of the Complaint. Ms. Rasby will supplement this response as this figure is impossible to calculate without additional information from Mr. Pillen regarding these entities.

Third, Ms. Rasby has been damaged by Mr. Pillen's payment of personal expenses and payments for expenses of businesses in which he was the sole owner out of profits from PST, and he radically increased his salary, which all resulted in a decrease in Ms. Rasby's overall distributions. Ms. Rasby was a 10% owner of PST and is entitled to a payment of 10% of any improper payments or distributions by Mr. Pillen. Rasby will supplement this response as this figure is impossible to calculate without additional accounting records from Mr. Pillen.

**D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

None.

Dated this 21<sup>st</sup> day of December, 2015.

DEBORAH RASBY and DOUGLAS RASBY  
Plaintiffs,

By: /s/ Diana J. Vogt  
James D. Sherrets, NE #15756  
Diana J. Vogt, NE #19387  
Robert S. Sherrets, NE#24791  
SHERRETS BRUNO & VOGT LLC  
260 Regency Parkway Drive  
Suite 200  
Omaha, NE 68114  
Tele: (402)390-1112  
Fax: (402)390-1163  
[law@sherrets.com](mailto:law@sherrets.com)  
ATTORNEYS FOR THE PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of December, I caused a true and correct copy of the foregoing to be served by email and United States mail accompanied by a CD containing documents, addressed as follows:

Mark A. Fahleson  
Sheila A. Bentzen  
Rembolt Ludtke LLP  
3 Landmark Centre  
1128 Lincoln Mall, Ste. 300  
Lincoln, NE 68508  
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/s/ Diana J. Vogt  
Diana J. Vogt